

## *St. Louis City Ordinance 64844*

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 245

INTRODUCED BY ALDERMAN MICHAEL MC MILLAN

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Garrison from Magazine south approximately 125 feet to adjoining alleys in City Blocks 1849 and 1856; Madison from Garrison to Webster and both 15 foot wide north/south alleys and the 16 foot wide east/west alley in City Block 1856 as bounded by Magazine, Garrison, Cass and Webster in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being a 60 feet wide street, and being located in Wm. Glasgow, Jr.'s Addition, between City Block 1856 and 1855 the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of Garrison Avenue and the southerly right-of-way line of Madison Street, said point also being the northeast corner of Block 4 of Wm. Glasgow, Jr.'s Addition, said Block 4 also being City Block 1855; thence south 89 degrees 33 minutes 38 seconds west 644.23 feet along the southerly right-of-way line of said Madison Street to a point in the easterly right-of-way line of Webster Avenue said point also being the northwest corner of said City Block 1855; thence north 00 degrees 16 minutes 29 seconds west 60.00 feet to a point at the intersection of the easterly right-of-way line of Webster Avenue and the northerly right-of-way line of Madison Street, said point also being the southwest corner of Block 5 of Wm. Glasgow, Jr.'s Addition, said Block 5 also being City Block 1856; thence north 89 degrees 33 minutes 38 seconds east 644.65 feet along the northerly right-of-way line of said Madison Street to a point at the intersection of the westerly right-of-way line of Garrison Avenue and the northerly right-of-way line of Madison Street, said point also being the southeast corner of City

Block 1856; thence south 00 degrees 07 minutes 19 seconds west 60.00 feet to the point of beginning containing 0.89 acres more or less.

A tract of land being a 60 feet wide street, and being located in Wm. Glasgow, Jr.'s Addition, between City Block 1856 and 1849 the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of Garrison Avenue and the southerly right-of-way line of Magazine Street, said point also being the northwest corner of City Block 1849, thence south 00 degrees 13 minutes 15 seconds east along the easterly right-of-way line of said Garrison Avenue 125.40 feet to a point in the northerly right-of-way line of a 15 feet wide alley; thence north 89 degrees 47 minutes 37 seconds west 60.01 feet to the intersection of a 16 feet wide alley and the westerly right-of-way line of said Garrison Avenue; thence north 00 degrees 13 minutes 15 seconds west along the westerly right-of-way line of said Garrison Avenue 124.83 feet to the intersection of the southerly right-of-way line of Magazine Street and the westerly right-of-way line of said Garrison Avenue, said point also being the northeast corner of Block 5 of Wm. Glasgow, Jr.'s Addition, said Block 5 also being City Block 1856; thence north 89 degrees 39 minutes 44 seconds east 59.98 feet to the point of beginning containing 0.18 acres more or less.

A tract of land being a 16 feet wide alley, and being located in Block 5 of Wm. Glasgow, Jr.'s Addition, said block also being City Block 1856 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Madison Street and the westerly right-of-way line of Garrison Avenue, said point also being the southeast corner of Block 5 of Wm. Glasgow, Jr.'s Addition, said Block 5 also being City Block 1856, thence north 00 degrees 13 minutes 15 seconds west along the westerly right-of-way line of Garrison Avenue 124.82 feet to a point in the southerly right-of-way line of a 16 feet wide alley, said point also being the point of beginning; thence south 89 degrees 36 minutes 43 seconds west along the southerly right-of-way line of a 16 feet wide alley 644.77 feet to a point in the easterly right-of-way line of Webster Avenue; thence north 00 degrees 16 minutes 29 seconds west along the easterly right-of-way line of Webster Avenue 16.00 feet to a point in the northerly right-of-way line of said 16 feet wide alley; thence north 89 degrees 36 minutes 43 seconds east along the northerly right-of-way line of said 16 feet wide alley 150.20 feet to a point in the westerly right-of-way line of a 15 feet wide alley; thence north

00 degrees 15 minutes 56 seconds west along the westerly right-of-way line of said 15 feet wide alley 125.27 feet to a point in the southerly right-of-way line of Magazine Street; thence north 89 degrees 39 minutes 45 seconds east along the southerly right-of-way line of said Magazine Street 15 feet to a point in the easterly right-of-way line of said 15 feet wide alley; thence south 00 degrees 15 minutes 56 seconds east along the easterly right-of-way line of said 15 feet wide alley 125.25 feet to a point in the northerly right-of-way line of said 16 feet wide alley; thence north 89 degrees 36 minutes 43 seconds east along the northerly right-of-way line of said 16 feet wide alley 314.38 feet to a point in the westerly right-of-way line of a 15 feet wide alley; thence north 00 degrees 13 minutes 49 seconds west along the westerly right-of-way line of said 15 feet wide alley 124.98 feet to a point in the southerly right-of-way line of said Magazine Street; thence north 89 degrees 39 minutes 45 seconds east along the southerly right-of-way line of said Magazine Street 15 feet to a point in the easterly right-of-way line of said 15 feet wide alley; thence south 00 degrees 13 minutes 49 seconds east along the easterly right-of-way line of said 15 feet wide alley 124.96 feet to a point in the northerly right-of-way line of said 16 feet wide alley; thence north 89 degrees 36 minutes 43 seconds east along the northerly line of said 16 feet wide alley 150.20 feet to a point in the westerly right-of-way line of said Garrison Avenue; thence south 00 degrees 13 minutes 15 seconds east along the westerly right-of-way line of said Garrison Avenue 16 feet to the point of beginning containing 0.32 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated area will be consolidated to accommodate construction of Vashon High School Campus.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys and streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys and streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and

occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage

connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 1,095 days (3 years) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>11/19/99</b>	<b>11/19/99</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>01/07/00</b>			<b>01/14/00</b>	<b>01/14/00</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64844</b>				